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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

LEONAN MORGAN,

Defendant and Appellant.

D068799

(Super. Ct. No. SCN169417)

APPEAL from a judgment of the Superior Court of San Diego County, David J. Danielsens, Judge. Affirmed.

Robert E. Boyce, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 2004, Leonan Morgan was convicted in San Diego County case No. SCN169417 of inflicting corporal injury on a spouse or cohabitant (Pen. Code,

§ 273.5, subd. (a))¹ and, based on true findings on numerous prior strike convictions within the meaning of section 1170.12, he was sentenced to 25 years to life.

Morgan petitioned for resentencing under section 1170.126. The court granted the petition, recalled Morgan's sentence, and decided to resentence Morgan to the upper term for his conviction, which it doubled under the three strikes law, for a total term of eight years.

Morgan filed a notice of appeal. We affirm the judgment.

FACTS

Morgan had a lengthy criminal history before committing the instant offense, on which the trial court relied when it rejected his argument in favor of imposing the middle term for the underlying offense and instead selected the upper term as the basis for the new sentence.

DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738. Counsel identifies, as possible issues, whether the trial court abused its discretion by failing to dismiss all of Morgan's prior strike convictions.

¹ Statutory references are to the Penal Code unless otherwise specified.

We granted Morgan permission to file a supplemental brief on his own behalf, but he has not responded. A review of the record pursuant to *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738 has disclosed no reasonably arguable appellate issues. Morgan has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

McDONALD, J.

WE CONCUR:

HALLER, Acting P. J.

AARON, J.